

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

PREBEN V. JENSEN

MARY JO JENSEN

Plaintiffs/Garnishors

v.

BANK OF AMERICA CORPORATION,  
N.A.

and

EDWARD D. JONES & CO., L.P.,

Defendants/Garnishees.

CASE NO. 5:14-CV-784-DAE

**GARNISHEE EDWARD D. JONES & CO., L.P.'S  
ORIGINAL ANSWER TO WRIT OF GARNISHMENT**

Garnishee Edward D. Jones & Co., L.P. ("Edward Jones") files its original answer to the writ of garnishment served upon it on November 25, 2014 (the "Writ"):

**I. JUDY ROLLINGER ACCOUNTS**

**A. Account number xxx-xxx12-1-1**

At the time it was served with the Writ and at the time of this answer, Edward Jones was indebted to Defendant Judy Rollinger and had effects belonging to Ms. Rollinger in its possession in account number xxx-xxx12-1-1, held in the name of "JUDY ANN ROLLINGER", in the form of:

- \$17,716.32 in cash.

**B. Account number xxx-xxx45-1-5**

At the time it was served with the Writ and at the time of this answer, Edward Jones was indebted to Defendant Judy Rollinger and had effects belonging to Ms. Rollinger in its possession in account number xxx-xxx45-1-5, held in the name of “EDWARD D. JONES & CO. CUSTODIAN FBO JUDY ANN ROLLINGER IRA”, in the form of:

- \$271.16 in cash;
- 1,487.758 shares of American Funds Short Term Bond Fund of America (Class A); and
- 1,280.367 shares of Intermediate Bond Fund of America (Class A).

The shares of the Short Term Bond Fund had a value of \$14,862.70 and the shares of the Intermediate Bond Fund a value of \$17,348.97 as of market close on December 10, 2014. Their value is subject to fluctuation based upon market conditions. This account is an individual retirement account and appears to be exempt from garnishment under Texas Property Code § 42.0021.

**C. Account number xxx-xxx57-1-7**

At the time it was served with the Writ and at the time of this answer, Edward Jones was indebted to Defendant Judy Rollinger and had effects belonging to Ms. Rollinger in its possession in account number xxx-xxx57-1-7, held in the name of “EDWARD D. JONES & CO. CUSTODIAN FBO JUDY ANN ROLLINGER IRA”, in the form of:

- \$6,007.77 in Money Market Fund Retirement Shares;

- 3,998.644 shares of Lord Abbett Short Duration Income Fund (Class A);
- 127 units of Van Kampen Build America Bonds Income Trust Cash Series Number 29; and
- 250 units of Van Kampen Build America Bonds Income Trust Cash Series Number 4.

The shares of the Short Duration Income Fund had a value of \$17,873.93, the units of the Van Kampen Trust Series No. 29 a value of \$129,641.60, and the units of the Van Kampen Trust Series No. 4 a value of \$252,157.50 as of market close on December 10, 2014. Their value is subject to fluctuation based upon market conditions. This account is an individual retirement account and appears to be exempt from garnishment under Texas Property Code § 42.0021.

**D. Account number xxx-xxx31-1-3**

At the time it was served with the Writ and at the time of this answer, Edward Jones was indebted to Defendant Judy Rollinger and had effects belonging to Ms. Rollinger in its possession in account number xxx-xxx31-1-3, held in the name of “EDWARD D. JONES & CO. CUSTODIAN FBO JUDY ANN ROLLINGER RTH”, in the form of:

- \$308.08 in cash;
- 131.2 shares of AllianzGI NFJ Small Cap Value Fund (Class A);
- 311.353 shares of Eaton Vance Growth Trust Worldwide Health Sciences (Class A); and

- 117.272 shares of Growth Fund of America (Class A).

The shares of the Small Cap Value Fund had a value of \$4,309.92, the shares of Worldwide Health Sciences fund \$4,495.93, and the shares of the Growth Fund \$5,434.38 as of market close on December 10, 2014. Their value is subject to fluctuation based upon market conditions. This account is an individual retirement account and appears to be exempt from garnishment under Texas Property Code § 42.0021.

Edward Jones is aware of the following persons who are or may be indebted to Judy Rollinger or who have or may have effects belonging to Judy Rollinger in their possession:

- Bank of America;
- Citizens State Bank (Somerville, TX); and
- Interactive Brokers.

## **II. COSTS AND ATTORNEY'S FEES**

Edward Jones has engaged counsel to represent it in this proceeding. Under Texas Rule of Civil Procedure 677, as applicable via Federal Rule of Civil Procedure 69, Edward Jones is entitled to recover, and hereby seeks, its costs and attorney's fees from Plaintiffs and/or Defendant Judy Rollinger.

### **Prayer**

Garnishee Edward D. Jones & Co., L.P. respectfully requests that all claims to the property identified above be determined and adjudicated and that it be discharged from all liability to Plaintiffs Preben V. Jensen and Mary Joe Jensen

and Defendant Judy Rollinger in connection with the Writ. Garnishee further requests that it recover against Plaintiffs or Defendant Judy Rollinger, as provided in Rule 677 of the Texas Rules of Civil Procedure, its costs and expenses, including attorney's fees, and that it be awarded such other and further relief to which it may show itself justly entitled.

Respectfully submitted,

/s/ Kyle A. Owens

Kyle A. Owens

State Bar No. 24046573

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**ATTORNEY FOR GARNISHEE**

**EDWARD D. JONES & CO., L.P.**

## VERIFICATION

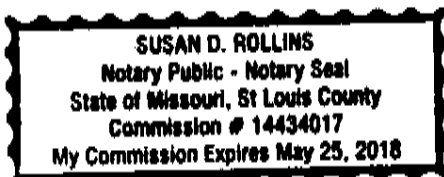
STATE OF MISSOURI §  
§  
COUNTY OF ST. LOUIS §

BEFORE ME, the undersigned authority, on this day personally appeared Kim Swayne, who being by me duly sworn, stated that she is authorized and fully competent to make this verification, she is employed by Edward D. Jones & Co., L.P., she has read the foregoing Original Answer, she has personal knowledge of the facts stated therein, and the facts stated therein are true and correct.

Kim Swayne  
Kim Swayne

SUBSCRIBED AND SWORN TO BEFORE me on this the 15 day of December, 2014 to certify which witness my hand and official seal.

Susan D. Rollins  
Notary Public in and for the  
State of Missouri



**CERTIFICATE OF SERVICE**

On December 15, 2014, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5 (b)(2).

s/ Kyle A. Owens  
\_\_\_\_\_  
Kyle A. Owens